

1977 No. 1762 (S. 134)

LEGAL AID AND ADVICE, SCOTLAND

The Legal Advice and Assistance (Scotland) Amendment
Regulations 1977

Made - - - - - 26th October 1977

Laid before Parliament 8th November 1977

Coming into Operation 28th November 1977

In exercise of the powers conferred on me by sections 4 and 15 of the Legal Aid (Scotland) Act 1967(a), as extended by section 6 of the Legal Advice and Assistance Act 1972(b), and all other powers enabling me in that behalf, and with the concurrence of the Treasury, I hereby make the following regulations:—

1.—(1) These regulations may be cited as the Legal Advice and Assistance (Scotland) Amendment Regulations 1977.

(2) These regulations shall come into operation on 28th November 1977; and regulation 3 shall apply to the computation of the amount of capital of a person seeking advice or assistance after that date.

(3) The Interpretation Act 1889(c) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

(4) In these regulations, a regulation or schedule referred to by number means a regulation or schedule so numbered in the Legal Advice and Assistance (Scotland) Regulations 1973(d), as amended(e).

2. In regulation 6(1):—

(i) the following shall be substituted for sub-paragraphs (a)(i) and (v):—

“(i) an order for the payment of a periodical allowance or a capital sum under section 5 and an order for payment of aliment under section 7 of the Divorce (Scotland) Act 1976(f)”.

(ii) the following shall be substituted for sub-paragraphs (b) to (d):—

“(b) moneys payable as unemployment, sickness, maternity, invalidity or widow’s benefit, guardian’s or attendance allowance, child’s special allowance, retirement pension or death grant, supplementary benefit, benefits for industrial injuries and invalid care allowance payable under the Social Security Act 1975(g), and mobility allowance payable under the Social Security Pensions Act 1975(h);

(a) 1967 c. 43.

(d) S.I. 1973/390 (1973 I, p. 1330).

(f) 1976 c. 39.

(b) 1972 c. 50.

(e) There are no relevant amending instruments.

(g) 1975 c. 14.

(c) 1889 c. 63.

(h) 1975 c. 60.

(c) allowances payable under the Child Benefit Act 1975(a) or family income supplement;

(d) any money payable in accordance with an order made by the Employment Appeal Tribunal;”.

3. In the Schedule, the following shall be substituted for rule 7(b):—

“(b) there shall be left out of account the value of the main or only dwelling in which he resides”.

Bruce Millan,

One of Her Majesty's Principal
Secretaries of State.

New St. Andrew's House,
Edinburgh.

21st October 1977.

J. Dormand,

We Concur,

David Stoddart,

26th October 1977.

Two of the Lord Commissioners
of Her Majesty's Treasury.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations further amend the Legal Advice and Assistance (Scotland) Regulations by:—

- (i) adding certain social security and similar benefits to the prescribed exemptions from the charge imposed by Section 5(3)(b) and 5(7) of the Legal Advice and Assistance Act 1972; and
- (ii) providing that, in assessing the resources of an applicant for legal advice and assistance, no account shall be taken of the value of the main or only dwelling in which he resides.

There is also a consequential amendment as a result of the coming into force of the Divorce (Scotland) Act 1976.

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